

**IN THE UNITED STATES COURT OF FEDERAL CLAIMS  
BID PROTEST**

PLANETSPACE, INC.,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant,

SPACE EXPLORATION TECHNOLOGIES  
CORPORATION and ORBITAL SCIENCES  
CORPORATION,

Defendant-Intervenors.

Civil Action No. 09-476C

Judge Block

**APPLICATION FOR ACCESS TO INFORMATION UNDER  
PROTECTIVE ORDER BY OUTSIDE COUNSEL**

1. I, Marc A. Hearron, hereby apply for access to protected material covered by the Protective Order issued in connection with this proceeding.
2. I am an attorney with the law firm of Morrison & Foerster LLP and have been retained to represent Space Exploration Technologies Corporation, a party to this proceeding.
3. I am not a member of the Bar of the United States Court of Federal Claims (the "Court"). I am a member of the bars of the District of Columbia and Texas; my bar membership numbers are 983113 and 24050739, respectively.
4. My professional relationship with the party I represent in this proceeding and its personnel is strictly one of the legal counsel. I am not involved in competitive decisionmaking as discussed in U.S. Steel Corp. v. United States, 730 F.2d 1465 (Fed. Cir. 1984), for or on behalf of the party I represent, any entity that is an interested party to this proceeding, or any other firm that might gain a competitive advantage from access to material disclosed under the Protective Order. I do not provide advice or participate in any decisions of such parties in matters involving similar or corresponding information about a competitor. This means that I do not, for example, provide advice concerning or participate in decisions about marketing or advertising strategies, product research and development, product design or competitive structuring and composition of bids, offers, or proposals with respect to which the use of protected material could provide a competitive advantage.
5. I identify here (by writing "none" or listing names and relevant circumstances) those attorneys in my firm who, to the best of my knowledge, cannot make the representations set forth in the preceding paragraph: None.
6. I identify here (by writing "none" or listing names, positions, and responsibilities) any member of my immediate family who is an officer or holds a management position with an

interested party in the proceeding or with any other firm that might gain a competitive advantage from access to the material disclosed under the Protective Order: None.

7. I identify here (by writing "none" or identifying the name of the forum, case number, date, and circumstances) instances within the last 5 years in which I have been denied admission to a protective order, or had admission revoked, or been found to have violated a protective order issued by any administrative or judicial tribunal: None.
8. I have read the Protective Order issued by the court in this proceeding, and I will comply in all respects with that order and will abide by its terms and conditions in handling any protected material filed or produced in connection with the proceeding.
9. I acknowledge that any violation of the terms of the Protective Order may result in the imposition of such sanctions as may be deemed appropriate by the court and in possible civil and criminal liability.

#### CERTIFICATION

By my signature, I certify that, to the best of my knowledge, the representations set forth above (including any attached statements) are true and correct.

  
\_\_\_\_\_  
Signature of Attorney

8-21-09  
\_\_\_\_\_  
Date Executed

Marc A. Hearron, Associate

\_\_\_\_\_  
Typed Name and Title

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Signature of Attorney of Record

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Richard J. Vacura, Partner

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